THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.22159 of 2006

Dated: 31-08-2007

Between:
Puttapali Chinnayya

…. PETITIONER

AND

The Additional Agent to the Government,
East Godavari District and others.

…. RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.22159 of 2006

ORDER:

The petitioner filed an application before the second respondent under Section 3(2) of Andhra Pradesh Scheduled Areas Land Transfer Regulation Act, 1959 (Regulation NO.I of 1959) (for brevity 'the Regulation'), being L.T.R.P. No. 77 of 2000. In the said application, he sought ejectment of respondents 4 and 5 and restoration of possession to him in respect of the land admeasuring Acs.6.66 in Survey Nos. 30, 31/1 and 31/2, situated at Vankarai Village of Rajavommangi Mandal in East Godavari District. By an order, dated 7.11.2002, the second respondent allowed the same and directed the third respondent to restore possession to him after ejecting non-tribals. The petitioner, thereafter, made an application to the first respondent on 3.10.2006 for execution of the order, in vain. Therefore, he filed instant writ petition seeking such direction to respondents 1 to 3.

It is the main contention of the petitioner that Respondents 4 and 5 filed a writ petition, being W.P.No.1830 of 2003, before this Court alleging that they filed the miscellaneous appeal under Section 3(3) of the Regulation and that the same is pending and in spite of the same, there was a threat of dispossession. This Court disposed of the said writ petition on 31.1.2003 directing the respondents not to dispossess them. It is contended that no such appeal was filed before the first respondent and a representation was made before this Court for obtaining order of stay of dispossession.

When the matter was heard, the learned Assistant Government Pleader for Social Welfare was directed to get instructions in the matter. After getting instructions, he submits that respondents 4 and 5 filed an appeal, being C.M.A. No. 9 of 2007. Though the contesting respondents approached this Court in haste by filing Writ Petition No.1830 of 2003, this need not detain this case any further. The learned Government Pleader has placed before this Court the order, dated 29.8.2007, passed by the first respondent in C.M.A. No. 9 of 2007 in favour of the contesting respondents. In that view of the matter,

liberty is given to the petitioner to prefer a revision petition before the Government, if he is so advised.

The writ petition is accordingly disposed of. No costs.

_____

(V.V.S. RAO,J)

31st August, 2007

pnb